

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
RICHLAND DIVISION

Ike W. Miller,)	CIVIL ACTION NUMBER:
)	_____
Plaintiff,)	
)	
v.)	
)	
THE HEALTH DARE, LLC,)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

TO: The Judges of the United States District Court for the District of South Carolina,
Greenville Division.

COMES NOW the Defendant, Health Dare, LLC, by and through its undersigned
counsel, Horton Law Firm, and states the following:

1. Defendant exercises its rights under provisions of 28 U.S.C. § 1441, *et seq.*, to
remove this action from the action from the Court of Common Pleas of the Fifth Judicial Circuit,
Richland County, South Carolina, in which said cause is now pending under the name and style
Ike W. Miller v. The Health Dare, LLC Case No. 2020-CP-40-01526.

2. On or about March 16, 2020, Plaintiff filed a Complaint with the Court of
Common Pleas of the Fifth Judicial Circuit, Richland County, South Carolina, initiating the State
Court Action. The Summons and Complaint were served on Defendant's attorney on April 24,
2020. In accordance with 28 U.S.C. § 1441(b), this notice of removal is being filed within 30
days of receipt of the Summons & Complaint. Pursuant to 28 U.S.C. § 1446(b), Defendant
attaches herein and incorporates by reference a copy of the Summons and Complaint filed in this
action (Attachment A).

3. The state court lies within the district and division of the United States District Court in which this Notice of Removal was filed.

4. Plaintiff's claims in this matter arise under the Fair Labor Standards Act of 1938, 29 U.S.C. §201, et seq. (FLSA"). Plaintiff also alleges a claim under South Carolina Payment of Wages Act, S.C. code Ann. §41-10-10, et seq. ("Wages Act") and applicable common law.

5. This Court has federal question jurisdiction under 28 U.S.C. §1331 and 29 U.S.C. §1132(e), and this action may be removed to the Court by Defendant pursuant to 28 U.S.C. §1441.

6. Therefore, the case set forth above, Civil Action No. 2020-CP-40-01526, filed in the Court of Common Pleas for Richland County, South Carolina, could originally have been brought before this Court pursuant to 28 U.S.C. §1331 and 29 U.S.C. §1132(e), and may be removed by Defendant pursuant to 28 U.S.C. §1441.

7. Under 28 U.S.C. §1441(a), venue of the removed action is proper in this Court as the district and division embracing the place where the state action was pending.

8. Pursuant to 28 U.S.C. §1441(a), Defendant has attached herewith, and incorporated by reference, a copy of the Summons and Complaint filed in this action. (*See Attachment A*).

9. Written notice of the filing of this Notice of Removal will be given to Plaintiff as required by law.

10. A true copy of this Notice of Filing of Notice of Removal is being filed with the Clerk of Court for the Fifth Judicial Circuit of the State of South Carolina in Richland County as required by law. (*See Attachment B*).

Dated this 18th day of May, 2020.

Respectfully submitted,

HORTON LAW FIRM

s/W. Andrew Arnold

W. Andrew Arnold (Fed. Ct. ID No 5947)

Attorney for Defendant Health Dare, LLC

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”) and paper copies will be sent to those indicated as non-registered participants on this 18th day of May, 2020.

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s/W. Andrew Arnold
W. Andrew Arnold (Fed. Ct. ID No. 5947)